

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:19-CR-4-BO

UNITED STATES OF AMERICA)	
)	
v.)	<u>GOVERNMENT'S PROPOSED</u>
)	<u>VOIR DIRE</u>
RAUL AYALA JR.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure and Local Criminal Rules 24.1 and 24.2(b), respectfully requests that this Court include in its examination of prospective jurors the customary questions listed below:

RESIDENCE & EMPLOYMENT

1. In which community do you live?
2. Tell us about your education? How far did you get in school? Any other education/training?
3. What is your occupation? If retired, what was your former occupation?
4. If attended college or graduate school, what were the areas of study?
5. If married, what does your spouse do for a living? If not employed outside the home, has he or she ever worked outside the home? Doing what?
Answer please if retired.
6. Children? How many? Ages? If adult children, what do your

children do for a living?

CONTACT WITH THE JUSTICE SYSTEM

7. Does any juror have a religious belief, conviction, or moral philosophy that would prevent him or her from rendering a verdict in this case, either guilty or not guilty?
8. Have you or any members of your immediate family worked in law enforcement? What agency? In what capacity?
9. Have you or any members of your family ever been a member of the Armed Forces? What branch? Any overseas service?
10. Have you ever previously served on a jury? Were you the foreman? Was the case criminal or civil? Did the jury reach a verdict?
11. Have you, or any of your relatives, or any close friends ever worked, in any capacity, as a defense attorney, with or for a defense attorney, or as an investigator working for a defense attorney?
12. Has anyone had any legal training or has a relative or close friend who is either a member of the judiciary, a practicing attorney, paralegal or law student or criminal justice students?
13. Has any juror, relative or close friend of any juror ever been the subject of an investigation by the Department of Homeland Security, also known as the HSI?

PERSONAL HEALTH

14. We have special equipment in the courtroom to help with hearing issues. Does anyone on the panel have a hearing or vision problem that cannot be compensated for so as to make it uncomfortable for you to hear and see testimony and evidence?

CASE SPECIFIC

15. Do you know any of the attorneys or witnesses in this matter. [Introduce/read list]. Do you know any of the attorneys or prospective witnesses whose names I have read?
16. This case involves allegations that on or about November 19, 2016 to May 31, 2018, in Fuquay Varina, North Carolina and elsewhere, the Defendant, Raul Ayala Jr., used a minor to produce images of that minor engaged in sexually explicit conduct. The case further alleges the Defendant, Raul Ayala Jr., possessed images depicting minors engaged in sexually explicit conduct. Do any of you have a previous knowledge of the case?
17. Has any juror, relative, or close friend of any juror, ever been charged with or convicted of any child exploitation or sexual assault of a minor in either state or federal court? If so, what was the nature of the charge?

18. Have you, your spouse, children, relatives, or close friends ever been a victim of sexual abuse?
19. Do you have any feelings on whether laws prohibiting the receipt and possession of images and videos depicting minors engaged in sexually explicit conduct should be enforced more or less vigorously than other laws?
20. Does anyone not use the Internet or a computer on a regular basis? This case will involve some discussion of technical computer terms, like peer-to-peer file sharing, hidden folders, and thumbnails. Does anyone feel that they are so unfamiliar with computers that they would not be able to fairly evaluate this evidence?
21. Does anyone have a particular expertise with computers? Does anyone feel they would rely on their own expertise with respect to computers and the Internet and not be able to evaluate the case based on the evidence presented at trial?
22. At this trial, the Government must try to prove that the images and videos involved in the case are child pornography as the law defines that term. To do that, they will need to show you some or all of the images or videos. You might find some or all of them offensive, but there are many situations in which a person serving as a juror must see or hear about things they find offensive. That is part of the job. If any of you think you

might be one of those people who couldn't remain fair and impartial after viewing such images, please raise your hand.

23. Government agents and local law enforcement officers will testify in this case. Is there anyone who believes that their testimony is entitled to more or less belief than any other witness merely because he or she works for the Government and carries a badge?

PRINCIPALS OF LAW

24. Is any juror riding with anyone who will be sitting in the courtroom?
25. Does each juror agree and promise to follow the law as instructed by the Court even if he or she may disagree with the law or believe the law should be changed?
26. Do you understand that the issue of punishment is strictly to be decided by the Court, and should never be considered by the jury in any way in arriving at an impartial verdict as to the guilty or innocence of the accused? Does any member of the panel believe that he or she would be unable to remove the issue of punishment from deliberation?

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27. As jurors, you are obliged to deliberate with your fellow jurors. Does anyone feel he/she cannot or will not deliberate with your fellow jurors and consider the evidence and your collective memories?

Respectfully submitted, this 19th day of April, 2021.

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Acting United States Attorney

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CERTIFICATE OF SERVICE

This is to certify that I have this 19th day of April, 2021, served a copy of the Government's Voir Dire upon the Defendant in this action by electronically filing the foregoing with the Clerk of court using the CM/ECF system which will send notification of such filing to defense counsel:

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Attorney for Defendant

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